

International Institute of Humanitarian Law

Some Reflections on the Protection of Human Beings

1. The International Institute of Humanitarian Law was founded September 26, 1970 at the *First Congress on International Humanitarian Law* held in San Remo, Italy. More than 100 delegates of various professions took part, most of whom had a legal background, all being specialists in their fields of activity. In a world of evolution, this group of people of goodwill considered it indispensable to study, scientifically and with realism, the means of assuring more efficiently the topic of Respect for Human Rights and of the Rule of International Humanitarian Law on a national and international level and thus serve the cause of peace. This is why the Institute was created, and recognized by the Italian Civil Code as a non-profit Association.

The Institute was inspired by the considerable work and efforts already undertaken by several organizations active in the field of human rights and international humanitarian law, notably the United Nations, the International Red Cross and the Council of Europe. There are, of course, still many gaps in the existing positive law and much ineffectiveness in its application. Because of such gaps and the lack of application of international law to certain situations, much human suffering ensues.

The Institute's purposes are to affirm, diffuse and develop international humanitarian law and human rights jointly with any government and/or international organization with whom it may seek to collaborate. It is hoped that it will become a center for research, instruction and meetings for all, whether specialists or not, who have an interest in problems of the reaffirmation and development of international humanitarian law and human rights which contribute to the effective application of humanitarian rules.

2. In examining the development of humanitarian law, in particular during the last thirty years, we discern a very specific feature: the individual, the human being, becomes more and more the central point of the edifice of instruments of protection already dedicated by texts in force or contemplated by projects submitted to governments. The international community has constantly

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extended, in a slow but persevering way, the circle of those enjoying the protection of international law, for the furthering of humanitarian tendencies.

The objective of any rule of a convention of a humanitarian character is, of course, to protect human beings. Both the International Covenants of human rights and the Geneva Conventions of the Red Cross for the Protection of Victims of Armed Conflicts were promoted to assure respect of human rights and to relieve human suffering.

In our opinion these two instruments do not contradict each other. It is true that International Humanitarian Law—especially the rules on protection of human beings in times of armed conflict—has for its purpose the protection of mankind; but this fundamental aim can gain ground only by stages. In this connection, it suffices to compare the initial text of the First Geneva Convention of 1864 with the excellent code which the four Geneva Conventions of 1949 now represent.

In this regard one must not forget to mention—even if it is only a question of the Law of War in general—the very strong progress after the Second Conference of the Hague (1907). A metamorphosis is discernible concerning certain bases of the Law of War: that of forbidding and preventing the use of force and war, of reinforcing the individual responsibility of the combatant and other categories of persons who fight, of determining a responsibility for violations committed by states and the parties to the conflict, and finally, of affirming the rights of individuals who are obliged to fight or who are dragged into armed conflicts.

All the initiatives already taken by competent international organizations and institutions, especially by the International Red Cross and the United Nations in the field of the Reaffirmation and Development of International Humanitarian Law, possess a novel and specific characteristic for International Law: the greatest possible separation of the protection of human beings from the “war machine.” Based on the general idea of the Charter of the United Nations and of traditional humanitarian principles, such actions—which are already concretely manifest (witness the project of the two additional protocols to the Geneva Conventions by the Diplomatic Conference at Geneva)—have as a common end the benefiting of mankind via an inviolable right of stable and effective protection in all circumstances. It is a progressive idea which should have a parallel development in International Law in time of peace and in other situations which threaten peace, armed conflicts in particular. The importance of international humanitarian law should not be seen solely as the end of assuring mankind of as effective a protection as possible, but also in concerns relating to the maintenance of peace. This novel view comes especially from the present evolution of methods and arms of destruction—methods issuing, in the first instance, from military concepts. It can be concluded, from the foregoing, that contemporary humanitarian law is becoming more and more oriented toward the human being as such.

Here, then, is a fundamental connection which embraces the two systems with

respect to the rights and protection of human beings established by their principal instruments: the International Covenants on Human Rights and the Geneva Conventions on the Protection of Victims of Armed Conflicts. The intentions underlying these two juridical systems are different as to their nature and the procedures which they envisage. It is obvious that the supreme purpose of these two systems is identical: to achieve respect for and protection of the rights of human beings in all circumstances. In such a concept one can anticipate the perspectives of these two systems, that is to say, their progressive rapprochement, and in the near future their union and identification which will reflect and interpret the necessities of an international community in full development.

Such reflections are of concern to all members of the Institute who are trying to contribute to the realization of the common ends of humanitarian law and human rights.

3. Thanks to the helpful understanding of the authorities of the city of San Remo, Italy, and of the province of Imperia, the Institute now has its seat at the Villa Nobel where the great Swedish philanthropist drew up his famous humanitarian testament. The villa—occupied by Alfred Nobel until his death in 1896—contains the offices and the conference rooms necessary for the functioning of the Institute. There is also a library containing a number of highly specialized documents on humanitarian law and human rights. The secretariat is serviced by a Secretary-General and his assistants.

The supreme organ of the Institute is the Assembly, to which the members are convoked every three years.

In addition to the election of the president, vice-presidents and members of the Board of Directors, the Assembly determines the academic and budgetary matters of the Institute. The Board of Directors is comprised at the most of fifteen members.

In addition, each member of the Institute is entitled to name one representative to the Board with full power. International organizations and institutions working in the humanitarian field can delegate an observer to the Board, which meets at least once a year. Its members determine the programs and general policy of the Institute under the authority of the Assembly and after consultation with the Academic Committee. The Secretary-General and members of the Academic Committee are elected by the Board of Directors.

The work of the Institute is supervised by the Executive Bureau comprised of the President, the Vice-Presidents, the Secretary-General and the Chairman of the Academic Committee.

The Academic Committee, which plays an important role in the work of the Institute, is composed of a maximum of 25 persons coming from a university background, from institutes of research or from professional milieu whose activities involve the application of humanitarian principles.

The Board of Directors takes into consideration the initiatives of the Commit-

tee when formulating the programs of the Institute's activities. The Committee appoints professors and assistants, decides on scholarship grants, sets competitions for written works and determines the prizes.¹

4. The Institute, created under the auspices of the Italian authorities, who have manifested a profound interest in its work, has just completed its first five years of existence. The scope of its activities being of a universal character, and its participants and members coming from all regions and trends of the world, the Institute has an international vocation. Its official languages are French, English and Italian.

Up to the present time it has organized many meetings and conferences (congresses, round tables, seminars or workshops) in which have taken part persons engaged professionally in the spheres of activity of a common interest in the theme chosen.

In 1975 the Institute organized the following conferences:

- The international meeting on humanitarian law: The Sovereignty of the State and International Actions of Humanitarian Relief; The Protection of Refugees in the Additional Protocols of the Geneva Conventions of 1949, Turin, June 21-22, 1975.
- The Round Table of Governmental Delegates on the present problems of humanitarian law which were raised at the second session of the Diplomatic Conference on the Development of Humanitarian Law, San Remo, September 3-6, 1975.
- Meeting of a study group on the establishment of a model course on Humanitarian Law of officers, San Remo, November 26-29, 1975.

In addition the Institute has begun to organize regular courses in the field of humanitarian law and of human rights. Thus, for example, in September 1974 the Institute, in co-operation with the Ministry of National Education, organized a ten-day course for members of the Italian Society for International Organizations. The principal theme of the course was the responsibility of education for the maintenance of peace and international humanitarian law. The participants were teachers from Italian colleges and a group of university assistants. The Institute has also started regular courses to teach humanitarian law in military institutions for young regimental officers from various countries.

5. The Institute maintains permanent relations with international organizations and institutions. Its activities have been recognized by the Secretary-General of the United Nations in his reports to the General Assembly under "The Respect of Human Rights in Armed Conflicts," and by the International Committee of the Red Cross in its monthly *Review*. Among other proceedings, the Institute collaborated in the seminar on "Youth and Human Rights" organized by the United Nations at San Remo from August 27 to September 11, 1973.

¹To date it has distributed seven prizes for works touching on international humanitarian law.

The Institute maintains relations with various international private and non-governmental organizations for the reciprocal exchange of information and documentation, consultations, mutual assistance in certain parallel activities and co-ordination of certain programs. It works in close collaboration with the International Committee of the Red Cross as well as with the International Institute of Human Rights (Rene Cassin Foundation), the *Institut Henry Dunant*, the Office of the United Nations High Commissioner for Refugees, UNESCO, the Division of Human Rights of the United Nations, the International Committee on Military Medicine, the Medico-Legal Commission of Monaco, the International Committee for the Neutrality of Medicine (Paris), the International Commission of Jurists and the Association for the Study of the World Refugee Problem.

In order to facilitate its contacts with governmental and non-governmental international organizations, the Institute has appointed a representative to the Office of the United Nations at Geneva and New York. Although a large number of its members are university professors, the Institute does not have affiliation with any university, but maintains excellent and fruitful relations in university circles through its professors.

Finally, the Academic Committee has designated a group of titular professors and assistants attached to the Institute and entitled to give lectures, conferences and courses within the framework of meetings and other activities organized by the Institute.

Up to the present the Institute has produced a number of documents, relating to: Human Rights as the Base of International Humanitarian Law, (Lugano, 1971); Humanitarian Norms and Military Instructions, (Milan, 1972); The Teaching of Humanitarian Law in Military Institutions, (Brussels, 1974); and The Reunion of Dispersed Families.

The main financial resources of the Institute are the annual contributions of its members and of associations, which cover the cost of administration. In addition, funds from diverse sources in the form of gifts permit the Institute to organize meetings on specific subjects and to publish certain works relating to international humanitarian law.

Finally, the Institute undertakes, upon request, various types of research within the field of its competence.

